

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.795 of 2013

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1. Naima Khatoon, widow of Late Dilwar Khan
 2. Mahenoor Khatoon
 3. Mahesaba Khatoon
 4. Md. Eqbal
 5. Maharukuba Khatoon
 6. Sahabar
 7. Sadam Hussain
 8. Md. Sabir

All (2 to 8) children of Late Dilwar Khan from first wife.

9. Rasida Khatoon widow of Late Dilwar Khan
10. Mahesaba Khatoon
11. Shamstabar
12. Rajia Khatoon
13. Md. Saleem
14. Sabina Khatoon

All (10 to 14) children of Late Dilwar Khan from second wife
Rasida Khatoon

All are resident of Mohalla-Murarpur, P.S.-Kotwali, District-Gay.

... .. Appellant/s

Versus

1. Sheikh Noor Nabi, son of Sheikh Gulam Hussain, resident of village-Siddhartha, P.S.-Nand Kumar, District-Medanipur, W.B. Driver of Tanker No.W.B.33/1582.
2. Uttam Bir Singh, son of Eastern Carriers, 2 Ganesh Chandra Avenue, Calcutta-13, owner of Tanker Lorry bearing Registration No.W.B.33/1582.
3. M/s United India Insurance Company Limited through its Chairman having its Registration office at United India House, 24 White Road, Madras.
4. United India Insurance Company Limited through its Branch Manager having its branch office at 16 Hari Street, Calcutta on bearing police No.030300 31/21/37417 issued on 29th July, 1993 valid from July, 1993 till 29th July, 1994.
5. M/s United India Insurance Company Limited through its Divisional Office at Swastik Building, A.N. Road, Murarpur, P.S.-Kotwali, District-Gaya; at present near Asha Singh More, A.P.Colony, P.S.-Civil Lines, District-Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arun Kumar Sinha
		Mr. Lakmesh Marvind, Adv.
For the Respondent/s	:	Mr.Ashok Priyadarshi

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 08-01-2019



Heard learned counsel for the appellants as well as respondent, the United India Insurance Company Ltd.

With the consent of the parties, the matter is being disposed of at the stage of admission itself. The learned counsel for the appellant has filed certified copy of Judgment in Motor Accident Claim Case No.35 of 1999. Be placed on the record.

The appellants were allowed compensation by the Motor Vehicle Accident Claim Tribunal-cum-Additional District Judge, Gaya in Motor Accident Claim Case No.39 of 2010 by the impugned Judgment and Award.

The grievance of the appellant is that only 6 per cent interest was allowed and that too with effect from the date of closure of the evidence. His contention is that in the light of statutory provisions of Section 171 of the Motor Vehicle Act, 1988, the Tribunal normally grants interest from the date of institution of the claim proceeding and in this light, there is catena of decisions wherein interest was granted from the date of institution of the claim proceeding. Reliance has been placed on recent Supreme Court Judgment in the case of **Sebastiani Lakra Vs. National Insurance Company Ltd. reported in 2019 (1) BLJ 24 SC.**

Further contention is that only 6 per cent interest was allowed in the matter of the appellants whereas in the matter of



claim for compensation in respect of death of Shahjahan in the same motor vehicle accident, another Claims Tribunal of the same place has allowed 9 per cent interest from the date of filing of the application. The parity also demands that interest should be paid @ 9 per cent. His contention is that Insurance Company has not objected in Shahjahan case regarding grant of 9 per cent interest and has paid the compensation amount vide Claim Case No.35 of 1999. He further submits that even the recent judgments of the High Courts and the Hon'ble Supreme Court would show that not less than 9 per cent of the interest has been awarded to the claimants of motor accidents.

After hearing the parties and findings substance in the submissions of learned counsel for the appellants, the impugned Judgment and Award is modified to the extent that 9 per cent interest on the compensation amount would be payable from the date of filing of the claim case.

With the aforesaid observations and directions, this Appeal stands disposed of.

sanjeev/-

AFR/NAFR	NAFR
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(Birendra Kumar, J)

